Page 1 of 1

4

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			02-Nov-07	APPL. S. N:	09975995					
To Examiner:			BRINEY III, WALTER	Art Unit	2615					
From			Logan, Rugenia PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68					
SUBJECT	SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:									
INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY, IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete.										
please initial, date and return this memo to me. THANK YOU.										
⋰	The T.D.	The T.D. is PROPER and has been recorded (see 14.23).								
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):									
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account								
	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26 (0.1).									
				the enforceable only during common ownership clause – needed to overcome a non-statutory ing rejection, Rule 321(b) (see 14.27.01). rected to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal						
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
		The perso	on who signed the T.D.:							
			is not an attorney "of record" (see 14	4.29 and 14.29.01).	4					
		Γ.:	has failed to state his/her capacity to	sign for the business entity (see	14.28).					
			is not recognized as an officer of the	assignee (see 14.29 & possible 1	4.29.02).					
	No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel a frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).									
		The T.D.	is not signed (see 14.26 & 14.26.03)							
			number of the application (or the nu rejection is missing or incorrect (see	e number of the patent) which forms the basis for the double (see 14.32).						
		reissue cases being								
The period d			d disclaimed is incorrect or not speci	fied (see 14.26, 14.27.02 or 14.2	6.03).					
		Other:			<u>a</u>					
			on to request refund (see 14.36). NO ot check this item.	TE: If already authorized, credit r	refund to deposit account					
I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.										
Ex.Initials: Dat			Date:		Log Date:					

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination BRADY ET AL.							
Document Code - DISQ	Internal Doo		cument – DC	cument – DO NOT MAIL						
TERMINAL DISCLAIMER	☑ APPROVED		☐ DISAPPROVED							
Date Filed : October 24, 2007	This patent is subject to a Terminal Disclaimer									
Approved/Disapproved by:										
Henry D. Jefferson										

U.S. Patent and Trademark Office

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Docket Number (Optional) 1017750-000732

In re Patent Application of:
Application No.:
Filed: OCI 9.4 1007

Vernon T. Brady et al.

09/975,995

October 15, 2001

METHOD AND APPARATUS FOR HIGH FREQUENCY WIRELESS COMMUNICATION

The owner*, <u>Lockheed Martin Corporation</u>, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. <u>6.442,374 B1</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reveation control fracte, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Signature
Patrick C. Keane, Reg. No. 32,858

Typed or printed name

703 836 6620 Telephone Number

Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

19/25/2007 CHGUYEN2 00000082 09975995

Buchanan Ingersoll & Rooney PC

130.00 OP

October 24, 2007

Date